

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF MARYLAND

Greenbelt Division

-----x	:	
AUSTIN HYUN SUNG	:	
and	:	
SHADI HASSAN:	:	
	:	
Plaintiffs,	:	
	:	
v.	:	Case No. 8:11-
	:	cv-03094-RWT
PEROUTKA & PEROUTKA, P.A.,	:	
et al.	:	
	:	
Defendants.	:	
-----x	:	

Thursday, June 7, 2012

Baltimore, Maryland

Deposition of

SHAWN KENNEDY

witness, called for examination by counsel for the plaintiff, pursuant to notice, at Thomas & Libowitz, P.A., 100 Light St., Suite 1100, Baltimore, Maryland 21202, beginning at 1:39 p.m., before Kathleen Lynn Petley, a notary public for the State of Maryland, when were present on behalf of the respective parties:

<div>Page 2</div> <div>For the Plaintiffs:  JEREMY HUANG, ESQUIRE ROWE BARNETT, PLLC 5906 Hubbard Drive Rockville, Maryland 20852 (301) 770-4710  For the Defendant:  FRANCIS R. LAWS, ESQUIRE THOMAS &amp; LIBOWITZ, P.A. 100 Light Street, Suite 1100 Baltimore, Maryland 21202 (410) 752-2468  ALSO PRESENT:  CRAIG KENNEDY  * * * * *  C O N T E N T S  EXAMINATION BY COUNSEL FOR  WITNESS:    </div>
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<p style="text-align: right;">Page 6</p> <p>1 THE WITNESS: No.</p> <p>2 MR. LAWS: Okay. So the answer to his question</p> <p>3 was yes or no. Did you read any documents?</p> <p>4 THE WITNESS: Okay. Thank you.</p> <p>5 BY MR. HUANG:</p> <p>6 Q I wasn't trying to trick you there. Okay. All</p> <p>7 right. Today we're having the deposition on two cases, well</p> <p>8 one case has been consolidated for Mr. Hassan and Mr. Sung,</p> <p>9 who were both the clients of ours who were sent collection</p> <p>10 letters allegedly from Peroutka &amp; Peroutka. Excuse me going</p> <p>11 over this. If you want to answer, please answer truthfully</p> <p>12 and fully. If you have any corrections you want to make</p> <p>13 later after we receive the deposition transcript, please</p> <p>14 notify the court reporter as soon as possible. So you work</p> <p>15 for Peroutka &amp; Peroutka. Is that a separate entity from</p> <p>16 Pasadena Receivables, or are they same entity?</p> <p>17 A Peroutka &amp; Peroutka is a law firm --</p> <p>18 Q Okay.</p> <p>19 A So, it's not Pasadena Receivables.</p> <p>20 Q Okay. What is the relationship between Pasadena</p> <p>21 and Peroutka &amp; Peroutka?</p> <p>22 A Pasadena Receivables is a client of Peroutka &amp;</p> <p>23 Peroutka.</p> <p>24 (Exhibit No. 1 was</p> <p>25 marked into evidence.)</p>	<p style="text-align: right;">Page 8</p> <p>1 MR. LAWS: -- unless Mr. Huang asks you to make an</p> <p>2 assumption, but otherwise --</p> <p>3 THE WITNESS: Okay.</p> <p>4 MR. LAWS: He's asking you for what you know.</p> <p>5 THE WITNESS: Okay.</p> <p>6 MR. LAWS: Okay.</p> <p>7 (Exhibit No. 2 was marked</p> <p>8 into evidence.</p> <p>9 BY MR. HUANG:</p> <p>10 Q Exhibit 2. I just handed you what is the -- I</p> <p>11 guess it was a corporate amendment for Pasadena Receivables.</p> <p>12 Could you take a look at the second page? And could you</p> <p>13 identify the previous resident agent? It should be on the</p> <p>14 second, I guess the third blank.</p> <p>15 A The third blank?</p> <p>16 Q I'm sorry. You see the name and address of the</p> <p>17 resident agent was changed?</p> <p>18 MR. LAWS: Mr. Kennedy is here as the corporate</p> <p>19 designee for Peroutka &amp; Peroutka.</p> <p>20 MR. HUANG: Absolutely.</p> <p>21 MR. LAWS: And Pasadena Receivables is a client of</p> <p>22 Peroutka &amp; Peroutka. So that can be very careful about what</p> <p>23 he answers, obviously, because it's going to be attorney-</p> <p>24 client privileged communications.</p> <p>25 BY MR. HUANG:</p>
<p style="text-align: right;">Page 7</p> <p>1 BY MR. HUANG:</p> <p>2 Q Okay. Exhibit 1. Could you please identify this</p> <p>3 document?</p> <p>4 A Well, it's your document. What --</p> <p>5 Q Okay.</p> <p>6 A -- exactly is it?</p> <p>7 Q It's a page from the Maryland's SDAT showing the</p> <p>8 current principal office and resident agent for Peroutka &amp;</p> <p>9 Peroutka.</p> <p>10 A When was this printed?</p> <p>11 Q Today.</p> <p>12 A And this is for Peroutka &amp; Peroutka?</p> <p>13 Q Exactly.</p> <p>14 A Well, this is inaccurate, because the principal</p> <p>15 office is not 8038 Ritchie Highway.</p> <p>16 Q Okay. Thanks. So the other information is</p> <p>17 correct, Mr. Stephen Peroutka is the current resident agent</p> <p>18 as well as the principal of Peroutka &amp; Peroutka?</p> <p>19 A I believe, I assume that Steve is the current</p> <p>20 resident agent. The address is correct.</p> <p>21 Q Okay.</p> <p>22 A Um.</p> <p>23 MR. LAWS: It's just a simple question. Just I</p> <p>24 want to ask you not to make any assumptions --</p> <p>25 THE WITNESS: Okay.</p>	<p style="text-align: right;">Page 9</p> <p>1 Q Absolutely. I'm just trying to delve into whether</p> <p>2 they're separate entities or not. From these documents, it</p> <p>3 appears that they had the same principal and up until</p> <p>4 recently it looked like they had the same resident agent,</p> <p>5 the same address. It's sort of our, just housekeeping. If</p> <p>6 they were in the same office, I guess they would sort of</p> <p>7 be -- were you sort of in-house counsel, or special sort of</p> <p>8 just the, like a separate arm of Pasadena, or just</p> <p>9 completely separate entities completely?</p> <p>10 A Are you asking me as counsel? Your question was,</p> <p>11 as counsel. I'm not a lawyer.</p> <p>12 Q No, just from your knowledge of the corporate, I</p> <p>13 guess, identities. They're in the same office, correct?</p> <p>14 They were in the same office at one point, correct?</p> <p>15 Pasadena and Peroutka &amp; Peroutka?</p> <p>16 MR. LAWS: I'm not, I think what you're question</p> <p>17 is, what you're asking is whether or not we have two</p> <p>18 separate, distinct corporate entities.</p> <p>19 MR. HUANG: Mm-hmm.</p> <p>20 MR. LAWS: Whether the law firm is a separate</p> <p>21 corporate entity from Pasadena Receivables, Inc.?</p> <p>22 THE WITNESS: They are two separate entities.</p> <p>23 BY MR. HUANG:</p> <p>24 Q Okay. Was Pasadena Receivables what you could say</p> <p>25 they comprise the majority of your workload, or do you have</p>

<p style="text-align: right;">Page 10</p> <p>1 other clients besides Pasadena Receivables?</p> <p>2 MR. LAWS: I'm going to object at this point</p> <p>3 because, you know, whether or to what extent a client is or</p> <p>4 is not a majority client, is a minority client, or whatever,</p> <p>5 of the law firm, I'm not sure how that relates in any way to</p> <p>6 the allegations of the complaint or the counter-claim.</p> <p>7 MR. HUANG: Absolutely. There's later documents.</p> <p>8 I'm just trying to find out what they know between Pasadena</p> <p>9 and Peroutka &amp; Peroutka, whether they have, like I said, if</p> <p>10 they're interrelated, or if they share certain officers and</p> <p>11 certain employees, that kind of thing.</p> <p>12 MR. LAWS: Okay, so the whether and to what extent</p> <p>13 Pasadena Receivables, Inc., is a percentage of business that</p> <p>14 is of Peroutka &amp; Peroutka, and that's not related to the</p> <p>15 corporate relationships of the two. I mean it's, for</p> <p>16 instance, whether Mr. Sung is a repeat client of Rowe</p> <p>17 Barnett is irrelevant to whether or not he was the subject</p> <p>18 of an FDCPA violation, and analogously the same here.</p> <p>19 MR. HUANG: Well actually, well there's a certain</p> <p>20 document later that I'll get to. I just wanted to see if</p> <p>21 you -- all I was asking is if they're distinct entities,</p> <p>22 that's all I was asking. Yes or no.</p> <p>23 THE WITNESS: There are distinct entities, yes.</p> <p>24 BY MR. HUANG:</p> <p>25 Q But you shared offices with their employees at one</p>	<p style="text-align: right;">Page 12</p> <p>1 THE WITNESS: Well, I do know. Is that your</p> <p>2 question?</p> <p>3 BY MR. HUANG:</p> <p>4 Q Yes.</p> <p>5 A Okay. There is an office inside of Peroutka &amp;</p> <p>6 Peroutka's that's sublet by Pasadena Receivables.</p> <p>7 Q Okay. All right. So you say you're the manager</p> <p>8 at Peroutka &amp; Peroutka? Could you describe your educational</p> <p>9 background? I'm sorry for asking, where did you go to</p> <p>10 college?</p> <p>11 A I went to Anne Arundel Community College.</p> <p>12 Q Okay. And what did you study there?</p> <p>13 A General Studies.</p> <p>14 Q General Studies? Okay. And did you get a</p> <p>15 Bachelor's, or an Associate's?</p> <p>16 A Associate's Degree.</p> <p>17 Q Okay. And then as soon as you finished that, you</p> <p>18 went to Peroutka &amp; Peroutka, or did you have any intervening</p> <p>19 employment before that?</p> <p>20 A I worked at the firm while I was going to</p> <p>21 college.</p> <p>22 Q Oh, that's interesting. Okay. And, so you're</p> <p>23 familiar with their practices over 23 years I'm sure you</p> <p>24 know the ins and outs.</p> <p>25 A Okay.</p>
<p style="text-align: right;">Page 11</p> <p>1 point? That's the other question.</p> <p>2 MR. LAWS: I'm not sure what you mean by share</p> <p>3 offices.</p> <p>4 BY MR. HUANG:</p> <p>5 Q On the page I showed you, it said the principal</p> <p>6 office for Peroutka &amp; Peroutka and Pasadena Receivables was</p> <p>7 both 8028 Ritchie Highway, Suite 300, at one point, at least</p> <p>8 prior to November of last year, which was, I believe, maybe</p> <p>9 right around the same time this complaint was filed.</p> <p>10 A You said that they've got the same address, but I</p> <p>11 don't know what you mean by share offices.</p> <p>12 Q If they're in the same office as employees of</p> <p>13 Peroutka &amp; Peroutka, then they work in the same, within the</p> <p>14 same confines as Pasadena Receivables. That's just, you</p> <p>15 know, for the witness to answer. If he doesn't know, he</p> <p>16 doesn't know.</p> <p>17 A He's asking?</p> <p>18 MR. LAWS: You can answer him. What I can tell</p> <p>19 you is we lease to a subtenant here who is a client of the</p> <p>20 firm's.</p> <p>21 MR. HUANG: Okay.</p> <p>22 MR. LAWS: In one sense, you could say they share</p> <p>23 offices because they come in and out of the same --</p> <p>24 MR. HUANG: Well, I mean, if he knows, then, you</p> <p>25 know, he can answer himself.</p>	<p style="text-align: right;">Page 13</p> <p>1 Q And what would you say are your current duties as</p> <p>2 a manager?</p> <p>3 A My current duties include the operations of the</p> <p>4 firm, running the firm, management of various departments,</p> <p>5 personnel-related issues, hiring of new employees,</p> <p>6 collectors --</p> <p>7 Q Mm-hmm.</p> <p>8 A -- legal assistants and so forth.</p> <p>9 Q Legal assistants? Could you, you know, clarify</p> <p>10 what you mean by that?</p> <p>11 A Paralegals, people who work in the legal</p> <p>12 department.</p> <p>13 Q All right. And, do you handle the training of</p> <p>14 employees, or do you just do the hiring and firing of the</p> <p>15 employees?</p> <p>16 A I handle some training, yes.</p> <p>17 Q Okay. And what areas of training would those be?</p> <p>18 A Introduction to the firm's practices.</p> <p>19 Q Okay.</p> <p>20 A Training on FDCPA issues.</p> <p>21 Q Okay.</p> <p>22 A Introduction to those things that are passed on to</p> <p>23 other people within the firm.</p> <p>24 Q Okay. And so you've taken certain FDCPA seminars?</p> <p>25 Do you attend those kinds of things or do you get them off</p>

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1 the Internet?

2 A We attend various conferences throughout the year.

3 We are provided with various materials from experts in and

4 around the country that update us on FDCPA compliance, and

5 by we, training --

6 Q And by we, do you mean the firm, or you personally

7 plus the principals?

8 A Myself, the principals, employees of the firm.

9 Q Okay.

10 A Multiple people within the firm. Everyone is

11 trained.

12 Q Okay.

13 A Continually trained.

14 Q Okay. So you're familiar with the statute and

15 what it says, correct? With the FDCPA?

16 A Generally, yes.

17 Q Generally, okay. All right. I've handed you the

18 answer of, I guess this is the joint answer of Peroutka &

19 Peroutka and Pasadena Receivables regarding Mr. Hassan's

20 complaint. Do you recognize this document?

21 A Yes.

22 Q Okay. And were you the one who helped Mr. Wallace

23 draft this answer, or was it another employee?

24 A Well, I conferred with my attorney.

25 Q Okay. All right.

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1 MR. LAWS: For the record, the answer was not

2 drafted by the client.

3 BY MR. HUANG:

4 Q But in terms of the information put together that

5 you provided in terms of admitted/denied.

6 MR. LAWS: I understand we're not going to get

7 into attorney-client communications.

8 MR. HUANG: Absolutely.

9 MR. LAWS: It's not the client's fact.

10 MR. HUANG: Okay.

11 BY MR. HUANG:

12 Q All right. Could you turn to page 4. Okay?

13 A Okay.

14 Q So you've seen this document before, and looked at

15 the defenses. I guess, under the statute, is there a

16 contention that the plaintiff or the debtor has a duty to

17 notify the creditor of a bankruptcy in order for them to

18 comply with the statute?

19 MR. LAWS: I'm going to object to the extent that

20 that calls for a legal conclusion.

21 MR. HUANG: It's referring to his knowledge, since

22 he's been trained in the FDCPA, he should, just to the

23 extent of his training.

24 MR. LAWS: All right. Just want to make sure that

25 he's not testifying as a lawyer --

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1 MR. HUANG: Absolutely.

2 MR. LAWS: -- with respect to legal conclusions.

3 That's fine.

4 BY MR. HUANG:

5 Q Is it your understanding that if, assuming the

6 debtor does not notify a creditor or a debt collector of

7 bankruptcy, that there is no obligation to scrub the

8 account?

9 A To scrub the account?

10 Q Or to check for bankruptcy prior to collection.

11 MR. LAWS: Objection as to form.

12 MR. HUANG: Okay.

13 BY MR. HUANG:

14 Q Rephrase. Under the statute, does debtor have any

15 duty, under the FDCPA?

16 MR. LAWS: Duty as to what?

17 MR. HUANG: As to any kind of duty.

18 MR. LAWS: Objection to the extent that it calls

19 for legal conclusions. You may answer to the best of your

20 knowledge.

21 THE WITNESS: I want to make sure I understand

22 your question.

23 MR. HUANG: Okay.

24 THE WITNESS: Does the debtor have any duties

25 under the FDCPA --

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1 MR. HUANG: Yes.

2 THE WITNESS: -- to inform someone of a

3 bankruptcy?

4 BY MR. HUANG:

5 Q Yes.

6 A I'm not aware that the FDCPA addresses bankruptcy.

7 Q Okay. The FDCPA prevents the collector from

8 making any false statements. Is that your understanding?

9 A False or misleading statements, yes.

10 Q Okay. So is it your understanding that a debtor

11 has the duty to prevent the collector from making any false

12 statements?

13 A I don't think it's a consumer's responsibility to

14 prevent a collector from a misleading statement. I don't.

15 Q Thank you. All right. So, when you originally

16 came to the firm back in 1989, how were you trained in the

17 FDCPA? Or was it pretty much the same thing as right now,

18 you went to seminars, or anything more specific?

19 A I can't think back to 1989.

20 Q Fair enough. But when you were originally

21 trained, do you remember the process, how it works, or was

22 it just sort of a beginning?

23 A Well, the process has changed over the 23 years.

24 Q Okay.

25 A The various different training materials that

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1 exist now that didn't exist then provide for different  
 2 training methods, and we've reviewed the FDCPA and various  
 3 other training opportunities every year.  
 4 Q Okay. And who provides the training? Is it a  
 5 third party, or is someone within the firm?  
 6 A It's mostly both.  
 7 Q Okay. Are you affiliated with the American  
 8 Collectors Association?  
 9 A We are a member of the ACA, yes.  
 10 Q Okay. And are you familiar with the MAP attorney  
 11 review program at all?  
 12 A No.  
 13 Q Okay. So the collection letters you send out,  
 14 these are drafted by the firm, they weren't sent out for  
 15 outside review?  
 16 A The firm -- the letters are drafted by our office,  
 17 and they are reviewed by a lawyer.  
 18 Q By a lawyer? Okay. Mr. Peroutka, or one of the  
 19 other attorneys?  
 20 A They're reviewed by outside counsel.  
 21 Q Outside counsel, okay. How many attorneys work at  
 22 Peroutka & Peroutka currently? Just a general estimate.  
 23 A There are three.  
 24 Q Three?  
 25 A Mm-hmm.

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1 Q How many other non-lawyer attorneys are there in  
 2 the firm currently?  
 3 A Approximately 41.  
 4 Q Forty-one? And they all work at the Ritchie  
 5 Highway, or do they work at a separate office?  
 6 A We have one location.  
 7 Q One location, okay. So you oversee the training  
 8 of the employees. How often do you hold sort of refresher  
 9 classes on the FDCPA with them?  
 10 A Minimum yearly.  
 11 Q Yearly? Okay. Do they go to any seminars, or is  
 12 it sort of an in-house kind of thing going on?  
 13 A They?  
 14 Q Yes.  
 15 A Can you be more specific?  
 16 Q Sorry. The employees that you, I guess, when you  
 17 hold these training courses within your company, do you take  
 18 them to sort of seminars, or is it something you hold within  
 19 the office?  
 20 A Some of the staff go to conferences. Most of the  
 21 staff are in-house, the training is in-house from various  
 22 methods of training.  
 23 Q Okay. Let's see here. With regard to Mr. Sung,  
 24 this was an account from Capital One. Do you recall this  
 25 was sent to you by Pasadena Receivables, or was it directly

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1 from Credit One?  
 2 A Can you state that again?  
 3 Q I'm sorry. Okay. There are two cases, Shadi  
 4 Hassan and Austin Sung. Austin Sung, the account was  
 5 originally a Capital One Account?  
 6 A Okay.  
 7 Q Was that referred to you by Pasadena Receivables,  
 8 or was it from Capital One?  
 9 A Capital One is a client of Peroutka & Peroutka.  
 10 Q Okay.  
 11 A Capital One placed the Hyun Sung account with our  
 12 firm.  
 13 Q Okay. And then for Mr. Hassan, there was a Credit  
 14 One account from Pasadena Receivables. Do you have any  
 15 knowledge as to whether Pasadena Receivables bought it from  
 16 Credit One directly, or was there an intervening creditor?  
 17 If you don't know --  
 18 A Yeah. I don't believe Pasadena Receivables  
 19 purchased it directly from Credit One.  
 20 Q You don't. Do you have any knowledge as to the  
 21 identity of whom they purchased it from?  
 22 A Not without looking at the assignments.  
 23 Q Okay. So this is the Notice of Deposition that  
 24 our office sent to Mr. Law's office a little while ago.  
 25 Have you seen this before?

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1 A Yes.  
 2 Q Okay. Would you please turn to page 3.  
 3 A Can you describe which one --  
 4 Q Absolutely. Page 3 is the one that has duces  
 5 tecum, sort of a little bit above halfway.  
 6 A I see it, yes.  
 7 Q Okay. So you reviewed this and for documents that  
 8 we had asked for and to bring to this deposition?  
 9 MR. LAWS: First of all, the deposition if I  
 10 recall correctly is somewhere near the end of May, so that  
 11 the document request does not require a response until  
 12 the -- this is May 25th, so at least 30 days after the --  
 13 MR. HUANG: Okay.  
 14 MR. LAWS: -- the notice.  
 15 MR. HUANG: Okay.  
 16 MR. LAWS: There's also a problem by the fact that  
 17 it violates the scheduling order in the magistrate's most  
 18 recent order to you, so.  
 19 BY MR. HUANG:  
 20 Q A certain file that you received from Pasadena  
 21 Receivables for Mr. Hassan's accounts, it would show all the  
 22 assignments from the prior creditors to Pasadena  
 23 Receivables?  
 24 A Yes.  
 25 Q Could you tell me a little bit more about what

<p style="text-align: right;">Page 22</p> <p>1 happens when an account is assigned to you by clients,  2 either Pasadena Receivables or Capital One?  3 MR. LAWS: What Peroutka does in terms of its  4 macro policies procedures, mechanisms, etc., we've objected  5 to that in our Answers to Interrogatories that we've given,  6 that we submitted. I don't have any problem with you if you  7 want to say with respect to the account --  8 MR. HUANG: Okay.  9 MR. LAWS: -- Mr. Sung had, or Mr. Hassan --  10 MR. HUANG: Absolutely.  11 MR. LAWS: -- that would put it that way.  12 BY MR. HUANG:  13 Q For Mr. Hassan's and Mr. Sung's accounts, when  14 those were received from the respective clients, what was  15 the process? What happened to them once they were received  16 by Peroutka &amp; Peroutka?  17 A Do you want to deal with them one by one, or --  18 Q Sure. Absolutely. Let's start with Mr. Hassan's  19 account.  20 A Okay.  21 Q From Pasadena.  22 A Okay. You want to know what happened when it was  23 placed?  24 Q Yes.  25 A The account was placed with our firm on June 11,</p>	<p style="text-align: right;">Page 24</p> <p>1 A Yes.  2 Q Okay. Is that your signature?  3 A Yes.  4 Q Okay. Can you turn to page 8?  5 A Okay.  6 Q Okay. You were the one who helped draft Mr. Law's  7 responses to the Interrogatories?  8 A Yeah. I provided the -- I helped to provide the  9 answers, yes.  10 Q Okay. So, turning to page 8, it says that please  11 identify sort of a chronology as to the handling of this  12 debt. And you answered that Pasadena put this account for  13 collections with your office on June 11 --  14 A Which question are you --  15 Q Number 1.  16 A Okay.  17 Q And you answered that the account was placed for  18 collection on June 11, 2009, correct?  19 A Yes.  20 Q Okay. And in Interrogatory No. 13, you provided  21 the -- it starts at the bottom of page 8 and sort of runs  22 through the first half of page 9 --  23 A Mm-hmm.  24 Q You provided the context to the client, to our  25 client, Mr. Hassan?</p>
<p style="text-align: right;">Page 23</p> <p>1 2009. The accounts are scrubbed for various issues, to make  2 sure that there's no bankruptcy, decedents, or military  3 activity. And the demand letter is scheduled for printing  4 to go to the individual's address, which occurred the  5 following day.  6 Q So your firm scrubs accounts for bankruptcy prior  7 to attempts for collection?  8 MR. LAWS: Okay. For the Sung account?  9 MR. HUANG: For this account, yes. For Mr.  10 Hassan's account, in particular.  11 THE WITNESS: The account was scrubbed at the time  12 of placement.  13 BY MR. HUANG:  14 Q Okay. And would you elaborate how that process  15 works?  16 A Yeah. The data regarding Mr. Hassan is scrubbed  17 against known bankruptcy data bases.  18 Q Would you describe what kind of data bases your  19 firm uses?  20 A PACER.  21 Q PACER?  22 A And there's a name match or not match, depending  23 on what's happening at the time of the scrub.  24 Q I just handed you your firm's Answers to our  25 Interrogatories. Would you please turn to page 15?</p>	<p style="text-align: right;">Page 25</p> <p>1 A Yes, sir.  2 Q Okay. I've given you Pasadena Receivables'  3 Answers to Interrogatories for Mr. Hassan's case. Would you  4 please turn to page 6.  5 A Okay.  6 Q In Interrogatory No. 11, we asked Pasadena the  7 same questions as to the sort of handling of this debt.  8 They are indicating that they sent the account to you in  9 2011.  10 MR. LAWS: I have the wrong set, Jeremy. What I  11 have are Shadi Hassan's first set of Interrogatories?  12 MR. HUANG: Yes. It should be Shadi Hassan.  13 Unless I sent you the wrong things.  14 MR. LAWS: No. 5 of Shadi Hassan's?  15 MR. HUANG: Shadi Hassan's, Pasadena Receivables'  16 Answers to Shadi Hassan's Interrogatories? Correct or no?  17 MR. LAWS: No. 5 says Answers to Shady Hassan's  18 Interrogatories. No. 6 is PRI's. I'm sorry, it's PRI's.  19 MR. HUANG: Yes. That's what I was referring to,  20 yes. The first one I gave you was Peroutka &amp; Peroutka's.  21 I'm referring to Exhibit No. 6, PRI's Answers to  22 Interrogatories, Answer No. 11.  23 MR. LAWS: Okay. That's obviously -- it's a  24 different client.  25 MR. HUANG: Absolutely. I understand.</p>

<p style="text-align: right;">Page 26</p> <p>1 MR. LAWS: They're not here, and they're not 2 signed by him either, so. 3 MR. HUANG: No, sir. I'm just asking him to 4 verify. 5 BY MR. HUANG: 6 Q Interrogatory No. 11, they are answering in terms 7 of chronology as to when this account was sent to your 8 office. They claim they sent it on June 10, 2011. Is this 9 accurate, or this is an accurate recollection on their part, 10 or do you believe this is an error? 11 MR. LAWS: The Answer to Interrogatory No. 11, it 12 says in front of that, PRI does not engage in any collection 13 activities. 14 MR. HUANG: Sorry? 15 MR. LAWS: On June 10, Defendant, PRI, closed on 16 the transaction by which it acquired bankrupt status. 17 MR. HUANG: Okay. On June 12th, that information 18 was transferred -- 19 MR. LAWS: Transferred electronically to P &amp; P. 20 BY MR. HUANG: 21 Q Okay. So that's in 2011. Was this account sent 22 back to PRI, or was this always sent to your office since 23 2009? 24 A You're asking me to answer the interrogatories 25 for --</p>	<p style="text-align: right;">Page 28</p> <p>1 A -- at their address, put them on notice about 2 their account. 3 Q Okay. 4 A Which is what we did on the Hassan case and the 5 Sung case. 6 Q Okay. But there are no further checks against 7 PACER after the first time? 8 MR. LAWS: In those two cases? 9 THE WITNESS: There's no further check on Hassan. 10 There's no further check on Sung. 11 BY MR. HUANG: 12 Q Okay, thank you. Okay. 13 A Thank you. 14 Q I just handed you Peroutka &amp; Peroutka's Answers to 15 the Interrogatories regarding Mr. Sung's case. Could you 16 please turn to page 13? 17 A Okay. 18 Q Is that your signature? 19 A That's my signature, yes. 20 Q Will you please turn to page 7. 21 A Okay. 22 Q All right. Could you please read the first 23 sentence of Interrogatory No. 11? 24 A Identify and describe each communication or 25 attempted communication between the defendants and the</p>
<p style="text-align: right;">Page 27</p> <p>1 Q No. I'm asking if -- you indicated in your -- for 2 Peroutka &amp; Peroutka's answer, that this account was placed 3 with you in June 11, 2009. 4 A Yes. Correct. That's correct. 5 Q Okay. Was this account always with your firm, or 6 was it pulled back by Pasadena, PRI, sort of in the interim? 7 A The account was placed with us June 11, 2009. And 8 there was no interruption. The account was never withdrawn. 9 No. 10 Q Okay. Did anything happen to the account in 2011, 11 around this June 11th, June 12th? 12 A No. 13 Q Okay. Okay. Let's go back to the original. So 14 you scrub the accounts by checking against PACER to see if 15 accounts have been placed into bankruptcy, correct? 16 A Correct. 17 Q Okay. All right. And do you do any subsequent 18 checks, or is it a one-time deal only? 19 A We scrub the accounts at the beginning of the 20 placement. 21 Q Okay. 22 A We send notice -- 23 Q Mm-hmm. 24 A -- to consumers -- 25 Q Okay.</p>	<p style="text-align: right;">Page 29</p> <p>1 plaintiff or any other person which was made in connection 2 with collection of plaintiff's debt by stating the 3 following. 4 Q Okay. And -- 5 A Do you want me to read the whole sentence? 6 Q No, that's fine. And on page 8, could you please 7 read your answer to Interrogatory No. 11. 8 A Defendant is unaware of any communication between 9 the defendants with the plaintiff or any other person which 10 was made in connection with the collection of plaintiff's 11 debt. 12 Q I've just handed you a letter from your office to 13 Mr. Sung. Do you recall this letter, or do you personally 14 recall this letter being sent out? 15 A Do I recall the letter going out? 16 Q Yes. Yes. 17 A I can see that the letter was mailed on September 18 22nd -- 19 Q Okay. 20 A 2011. 21 Q Okay. So, would you consider this letter a 22 communication to the plaintiff? 23 A Yes. 24 Q In connection with the collection of a debt? 25 A Yes.</p>



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1 Q Okay.

2 MR. LAWS: Jeremy, just for clarity.

3 MR. HUANG: Yes.

4 MR. LAWS: It's not, however, a communication

5 between the defendants with the plaintiff. Between the

6 defendants means a communication between PRI and Peroutka

7 with letters.

8 MR. HUANG: Well.

9 MR. LAWS: It's what the sentence says.

10 MR. HUANG: Okay. With plaintiff, okay.

11 BY MR. HUANG:

12 Q All semantics aside, were there any other, further

13 communications, prior communications between your office and

14 Mr. Sung?

15 A The communications between Sung?

16 Q Yes.

17 A There was a demand letter mailed on March 15,

18 2011.

19 Q Okay. Was there anything else sent to him?

20 A Chronology, yeah. There was a letter mailed to

21 him on April 14, 2011. There was the letter that you just

22 showed me, the September 22nd letter that was mailed to him.

23 Q So March 14th was the first demand letter, you

24 said?

25 A March 15th.

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1 Q March 15th, okay.

2 A Did you get the other two dates?

3 Q April 14th, I'm sorry.

4 A April 14, 2011, and 9/22/11.

5 Q Okay. Did your office make any calls to Mr.

6 Sung's -- were there any telephone conversations between Mr.

7 Sung and your office?

8 MR. LAWS: Which question? Did we call, or did we

9 talk to him?

10 MR. HUANG: Either way.

11 BY MR. HUANG:

12 Q Did you have any telephone conversations, either

13 initiated by him or by your office?

14 A We had no discussions with him, no.

15 Q Okay. Was his account ever pulled from your

16 office by Capital One?

17 A Pulled?

18 Q Yes. Was it ever withdrawn?

19 A No.

20 Q How long has Capital One been a client of yours?

21 MR. LAWS: Can you give me some relevance for

22 that?

23 MR. HUANG: Absolutely. Based on Mr. Sung's

24 testimony, there were calls from Capital One to his

25 residence regarding this debt. I'm trying to find out if he

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1 knows if that's their client's policy to collect while

2 they're collecting.

3 MR. LAWS: The only way he would know that is

4 through an attorney-client communication.

5 BY MR. HUANG:

6 Q Was it your understanding that your office

7 maintains the sole responsibility of collecting this debt?

8 MR. LAWS: That's also going to be an attorney-

9 client communication, and effectively what you're asking him

10 is what the client charges him, the direction to do. He's

11 given you the scope of the representation, that is to

12 collect a debt. But beyond that, it seems to me that we're

13 getting into conversations between his office and his client

14 with respect to the representation.

15 BY MR. HUANG:

16 Q But there were no calls from your offices,

17 basically? There were no telephone conversations between

18 your office and Mr. Sung?

19 A I want you to be clear in your question, if you

20 could. Were there calls, or was there a discussion? What's

21 the question?

22 Q Were there any calls, first, between your office

23 and Mr. Sung?

24 A I'm sorry. Calls between us would indicate that

25 there was a contact.

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1 Q Yes.

2 A Okay.

3 Q Were there any discussions outside of these

4 letters? Were there any conversations, spoken

5 conversations?

6 A We never spoke with Mr. Sung, okay?

7 Q All right. Let's go ahead. Do you recall any

8 calls between your office and Mr. Hassan?

9 A Phone calls made to him?

10 Q Yes.

11 A There were one, two, three, four, five calls

12 attempted to a phone number and there was never a contact.

13 Q Could you provide that phone number?

14 A Sure. 301-916-8882.

15 Q And where did you get this number from? Was it

16 provided by the client, or?

17 A I believe the number was provided in the

18 placement.

19 Q I just handed you the letter from your office to

20 Mr. Hassan dated October 18th. Could you identify the

21 address for Mr. Hassan, for the record?

22 A 12537 Crossridge Way, Germantown, Maryland 20874.

23 Q Okay. And was this address provided by your

24 client, or was that something you pulled?

25 A That was the address that was provided in the

<p style="text-align: right;">Page 34</p> <p>1 original placement of the account.</p> <p>2 Q Was Mr. Hassan's account ever pulled from your</p> <p>3 office by Pasadena? Withdrawn from collection?</p> <p>4 A (No audible response.)</p> <p>5 Q No? Could you provide the dates when these</p> <p>6 attempted calls occurred to Mr. Hassan?</p> <p>7 A Yeah. June 17, 2009.</p> <p>8 Q 2009, okay.</p> <p>9 A June 23, 2009.</p> <p>10 Q Okay.</p> <p>11 A June 24, 2009.</p> <p>12 Q Okay.</p> <p>13 A June 25, 2009.</p> <p>14 Q Okay.</p> <p>15 A July 1st --</p> <p>16 Q Okay.</p> <p>17 A -- 2009.</p> <p>18 Q Is it your testimony that there were no further</p> <p>19 calls made to Mr. Hassan on this account?</p> <p>20 A That's correct.</p> <p>21 Q Okay. Does your office ever get in contact with a</p> <p>22 Hind Too Sung (phonetic sp.)?</p> <p>23 A Hind?</p> <p>24 Q Yes.</p> <p>25 A H-I-N-D? Not that I'm aware of, no. I don't have</p>	<p style="text-align: right;">Page 36</p> <p>1 A Yeah.</p> <p>2 Q Okay. Could you tell me what happened when you</p> <p>3 found out that these accounts were in bankruptcy? Well, Mr.</p> <p>4 Sung's and Mr. Hassan's account in particular?</p> <p>5 A When we were informed of the bankruptcies, we</p> <p>6 closed the files and administered proceedings that in</p> <p>7 accordance with a stay.</p> <p>8 Q So, do you personally handle any collection calls,</p> <p>9 or are you generally just supervising, supervisor on the</p> <p>10 floor?</p> <p>11 A I handle collection calls.</p> <p>12 Q Okay. So you personally place collection calls as</p> <p>13 well?</p> <p>14 A (No audible response.)</p> <p>15 Q Okay. Do you have any specific training as to</p> <p>16 what certain guidance is provided to the collectors in terms</p> <p>17 of these kinds of calls?</p> <p>18 A The same guidance that's inherent with the</p> <p>19 training of the FDCPA.</p> <p>20 Q Okay. And could you be more specific about that?</p> <p>21 A Can you be specific --</p> <p>22 Q Sure.</p> <p>23 A -- in what you want to know? I'd --</p> <p>24 Q In terms of speaking to debtors, what is the</p> <p>25 procedure for investigating a claim when a debtor disputes</p>
<p style="text-align: right;">Page 35</p> <p>1 any record of that.</p> <p>2 Q Okay. Were there calls made to a third party</p> <p>3 to --</p> <p>4 A No.</p> <p>5 Q -- get Mr. Hassan's -- okay. All right. What</p> <p>6 system do you use to keep track of the collection attempts?</p> <p>7 MR. LAWS: Can I just raise, in terms of either</p> <p>8 Hassan or Sung?</p> <p>9 BY MR. HUANG:</p> <p>10 Q Mr. Sung.</p> <p>11 A What collection system do we use?</p> <p>12 Q Yes. Is it a software system, or is it all</p> <p>13 handwritten?</p> <p>14 A No, we have a software system that's called</p> <p>15 Collection Partner.</p> <p>16 Q And did you use the same software for Mr. Sung, or</p> <p>17 was it a different kind of software?</p> <p>18 A Same software.</p> <p>19 Q Does the software log calls, or is this something</p> <p>20 you enter manually?</p> <p>21 A We manually enter each event as it occurs.</p> <p>22 Q Okay. So if the collector doesn't put in</p> <p>23 information, then you have no record of anything that</p> <p>24 happens. Let's say if a collector makes a call and they</p> <p>25 don't record it, you wouldn't know if a call was made.</p>	<p style="text-align: right;">Page 37</p> <p>1 the debt? What is the process for investigating such a</p> <p>2 claim?</p> <p>3 MR. LAWS: It's not an issue in this case, right?</p> <p>4 MR. HUANG: I'm just trying to find out. They</p> <p>5 said they have procedures for a bona fide error. This is</p> <p>6 sort of relevant to that.</p> <p>7 MR. LAWS: Okay. As I said in our Answers to</p> <p>8 Interrogatories, we object for the reasons stated in the</p> <p>9 Interrogatories to providing information with respect to</p> <p>10 what is in essence a proprietary system that the firm has</p> <p>11 put together for the purposes of its collection business.</p> <p>12 Now, we are prepared to and would answer any questions with</p> <p>13 respect to Mr. Sung and Mr. Hassan. And the question you</p> <p>14 just posed, I don't see has any connection to any of the</p> <p>15 allegations made by either Mr. Sung or Mr. Hassan.</p> <p>16 MR. HUANG: I don't think their accounts are any</p> <p>17 different from normal accounts, you know, up until they were</p> <p>18 notified of the bankruptcy. They weren't treated any</p> <p>19 differently from a normal collection account, correct?</p> <p>20 MR. LAWS: But there was no disputes, there's</p> <p>21 nothing from either of those individuals that they disputed</p> <p>22 any of the debts.</p> <p>23 MR. HUANG: Okay. Well.</p> <p>24 BY MR. HUANG:</p> <p>25 Q All right. Here's another question. Has your</p>

<p style="text-align: right;">Page 38</p> <p>1 office ever been sued for a violation of the stay or the 2 discharge injunction? 3 MR. LAWS: Again, we're going to object to that 4 because it's not relevant to this case. We're not going to 5 go into other cases. It's not in the scope of the 6 litigation. 7 MR. HUANG: It's relevant in terms of whether the 8 statutory damages as to whether there's been previous errors 9 in terms of the FDCPA. 10 MR. LAWS: So if your question is whether or not 11 they have ever been found guilty of a violation of the 12 FDCPA? 13 MR. HUANG: Whether there have been other cases 14 filed against them. 15 BY MR. HUANG: 16 Q Do you have any knowledge of cases being sued 17 either on the stay or the discharge injunction? 18 MR. LAWS: Okay, then that's accusations. Have 19 any accusations been made against them? 20 MR. HUANG: Yes. 21 MR. LAWS: That's not going to be relevant. What 22 would be relevant, whether there were any founded 23 allegations, whether they'd ever been found guilty of 24 violating the FDCPA. Right? I mean, just because somebody 25 picks up the phone or --</p>	<p style="text-align: right;">Page 40</p> <p>1 Q How long have you been using Collection Partner? 2 A The collection system Collection Partner? 3 Q Yes. 4 A It's been installed in our office since about 5 1995. 6 Q So when a bankruptcy scrub occurs, it is entered 7 into that system, or is it a separate system for that kind 8 of entry? 9 MR. LAWS: Specifically for Mr. -- 10 BY MR. HUANG: 11 Q Mr. Sung and Mr. Hassan, yes. Assume that every 12 question that I ask from now on relates only to those two 13 accounts. 14 A I appreciate that. I'm not going to assume 15 anything, though. The -- is every -- I'm sorry, can you ask 16 the question again? 17 Q Okay. In terms of when the bankruptcy scrubs were 18 performed, that information is put into Collection Partner, 19 or is there a separate software? 20 A Just -- there's -- we only have Collection 21 Partner. That's our system. 22 Q Okay. In the accounts sent to you for placement, 23 are Social Security numbers listed? 24 MR. LAWS: For these two accounts? 25 BY MR. HUANG:</p>
<p style="text-align: right;">Page 39</p> <p>1 MR. HUANG: Absolutely. But I just want to know. 2 MR. LAWS: It's all right. I don't have a problem 3 with even a question that asks if they've ever been found 4 guilty of violations of the FDCPA. If the question is 5 whether they've ever been accused -- 6 BY MR. HUANG: 7 Q Whether there have been any complaints filed. 8 That's just my question and you can answer that. That's all 9 I need to know. 10 MR. LAWS: That I don't think is relevant. I 11 don't want to get into other cases, and this is -- 12 MR. HUANG: I mean if it's not relevant, you can 13 object but he can still answer. 14 MR. LAWS: Except that it's interposed solely for 15 the purposes of harassment at that point. The question 16 whether or not they have met the criteria for repeat 17 violations of the FDCPA is warranted. But that's not your 18 question. 19 MR. HUANG: Okay. 20 BY MR. HUANG: 21 Q Well, have there ever been any judgments entered 22 against you in regards to either the FDCPA or a bankruptcy 23 violation in terms of the automatic stay on discharge 24 injunction? 25 A No.</p>	<p style="text-align: right;">Page 41</p> <p>1 Q Yes, for these two accounts. 2 A They are typically provided. Without looking at 3 these two files right now, I'm not certain that they were 4 but I believe they were. 5 Q Okay. Do you have personal knowledge about the 6 PACER procedure? 7 A I know that we conduct the scrubs through the 8 bankruptcy data bases. I'm not familiar with how the 9 electronic interchange occurs. 10 Q Okay. So the individual collector is the only one 11 who does the PACER search, or is that one of the attorneys 12 who does that? 13 A No. It is done at a batch level for, and at time 14 of placement. 15 Q Okay. 16 A So it's an IT function. 17 Q IT function. As in it's done by the client, or is 18 it sort of intersect? Could you clarify? 19 A It's done at placement by our IT department, when 20 the accounts are loaded into the system. 21 Q Do you have knowledge as to what that procedure 22 is? 23 A I know that it's an IT function -- 24 Q Okay. 25 A -- and that it's done with every placement.</p>

<p style="text-align: right;">Page 42</p> <p>1 Q Okay. And could you identify the supervisor or</p> <p>2 the person handling the IT function?</p> <p>3 A Yeah. Kris Ruckelshaus. You know I'm going to</p> <p>4 have to spell that one for you. It's K-R-I-S, R-U-C-K-E-L-</p> <p>5 S-H-A-U-S. R is the --</p> <p>6 Q Okay.</p> <p>7 A -- beginning of the last name. There you go.</p> <p>8 It's weird.</p> <p>9 Q First name and the last name are the same start, I</p> <p>10 know. Okay. So you have no information as to how they do</p> <p>11 the search?</p> <p>12 A I know what happens. I don't know the technical</p> <p>13 ins and outs of how it works.</p> <p>14 Q Okay. So before the collector even gets to it,</p> <p>15 then it's been scrubbed before. The collectors themselves</p> <p>16 don't do any independent verification of bankruptcy.</p> <p>17 A No.</p> <p>18 Q Have there been times when you've called a</p> <p>19 bankruptcy debtor?</p> <p>20 MR. LAWS: Objection. It doesn't pertain to Sung</p> <p>21 or Hassan. So if you're going to go outside the Hanoh</p> <p>22 (phonetic sp.) files -- so if it's -- I'm not going to go</p> <p>23 outside. I'm not going to ask the witness to go outside</p> <p>24 anything that's relevant to the circumstances related to the</p> <p>25 two lawsuits at issue --</p>	<p style="text-align: right;">Page 44</p> <p>1 Q Okay. Who handles the bankruptcies?</p> <p>2 A Our legal department handles bankruptcy</p> <p>3 notifications.</p> <p>4 Q Okay. There are three attorneys in your office,</p> <p>5 correct? Are they the ones in the legal department, or are</p> <p>6 those mostly paralegals handling those kinds of issues?</p> <p>7 A There are multiple people in our legal department</p> <p>8 who are supervised by the lawyers. The bankruptcy</p> <p>9 notifications that come in through the normal channels,</p> <p>10 which are either through e-mail or by written notice are</p> <p>11 immediately reacted to within 24 hours of notice so that we</p> <p>12 do not violate any stays.</p> <p>13 Q Do you have a contact at the legal department?</p> <p>14 Underneath the attorneys, who is the supervisor of the legal</p> <p>15 department? Or is there no middle management?</p> <p>16 A The individual responsible for the bankruptcy --</p> <p>17 Q Yes.</p> <p>18 A -- if you will? Making sure that -- I do.</p> <p>19 Q It's you?</p> <p>20 A No, no, no. It's not me.</p> <p>21 Q Okay.</p> <p>22 A You asked me if I know who the person is.</p> <p>23 Q Yes.</p> <p>24 A. Yes.</p> <p>25 Q Okay. Would you please provide that person's</p>
<p style="text-align: right;">Page 43</p> <p>1 MR. HUANG: Well, like I say, I'm going toward the</p> <p>2 bona fide error. If this happens, I mean, case law is if it</p> <p>3 happens on a very small basis it's not an issue but if it's</p> <p>4 widespread then they don't have procedures in place to</p> <p>5 prevent a bona fide error.</p> <p>6 BY MR. HUANG:</p> <p>7 Q So if you could please tell me if there have been</p> <p>8 times where there have been calls placed to a bankruptcy</p> <p>9 debtor.</p> <p>10 MR. LAWS: You can answer.</p> <p>11 THE WITNESS: I don't have any knowledge of any</p> <p>12 particular account. There are processes in place to ensure</p> <p>13 that we don't violate the stay.</p> <p>14 BY MR. HUANG:</p> <p>15 Q Okay. And could you go into more detail as to</p> <p>16 that process?</p> <p>17 A The scrub process is integral to how it works. We</p> <p>18 make sure at placement that we are not proceeding. If we</p> <p>19 receive notice, we take appropriate steps in conjunction</p> <p>20 with a stay.</p> <p>21 Q Okay. But you supervise the collectors, correct?</p> <p>22 So do they report to you when a bankruptcy is reported by</p> <p>23 the court, do the collectors report to you, or do they</p> <p>24 handle it individually?</p> <p>25 A Bankruptcies are not handled by collectors.</p>	<p style="text-align: right;">Page 45</p> <p>1 name?</p> <p>2 A Yes. Christina Nescio.</p> <p>3 Q Could you please spell the last name?</p> <p>4 A N-E-S-C-I-O.</p> <p>5 Q I-O?</p> <p>6 A Correct.</p> <p>7 Q Okay. All right.</p> <p>8 A I'm 99 percent sure that's how you spell it.</p> <p>9 Q All right. But you supervise the collectors on</p> <p>10 the floor, correct?</p> <p>11 A Yes.</p> <p>12 Q Okay. So in your recollection, has a collector</p> <p>13 ever reported to you that a debtor has filed bankruptcy?</p> <p>14 A Has a debtor -- has a collector ever told me that</p> <p>15 a debtor has filed bankruptcy?</p> <p>16 Q Or alerted you to an account that has been in</p> <p>17 bankruptcy but you did not receive notice at that point?</p> <p>18 A That's just too vague for me to be able to answer.</p> <p>19 Q Okay. Let me rephrase. If a collector were</p> <p>20 informed by a debtor of a bankruptcy personally, what would</p> <p>21 be the procedure for remedying that?</p> <p>22 A The process that a collector goes through if</p> <p>23 someone says that they are filing bankruptcy is that we</p> <p>24 notate the file and immediately move the file to the named</p> <p>25 individual so that the proper checks can occur to make sure</p>

<p style="text-align: right;">Page 46</p> <p>1 that our firm is not violating a stay.</p> <p>2 Q Okay. This is if a debtor says they are filing,</p> <p>3 or have filed for bankruptcy?</p> <p>4 A Both.</p> <p>5 Q Okay. So it's moved to the legal department, who</p> <p>6 handle the bankruptcies if such an incident happens?</p> <p>7 A Correct.</p> <p>8 Q Okay. So they don't report to you, it goes</p> <p>9 directly to the legal department? Okay. As to Mr. Sung's</p> <p>10 accounts, it was placed in your office around March of 2011?</p> <p>11 Is that what you recall?</p> <p>12 A Yes.</p> <p>13 Q Okay. And it was, a complaint was filed with the</p> <p>14 District Court around September of the same year?</p> <p>15 A I didn't have the complaint date, but I believe</p> <p>16 that's accurate.</p> <p>17 Q Okay.</p> <p>18 A Do you have a copy of it that you can show me?</p> <p>19 Q No, I don't have it with me --</p> <p>20 A Okay.</p> <p>21 Q -- the letter, I think it was Exhibit -- the</p> <p>22 letter to Mr. Hassan, I think, was Exhibit --</p> <p>23 A The letter is dated September 22nd.</p> <p>24 Q Yes.</p> <p>25 A You asked about the complaint. I don't have it.</p>	<p style="text-align: right;">Page 48</p> <p>1 allowed to call the debtor?</p> <p>2 A Within the company's policies.</p> <p>3 MR. LAWS: I'm going to object to the form, but</p> <p>4 you probably understand what he's looking for, so.</p> <p>5 THE WITNESS: Third parties? Can you describe</p> <p>6 third parties?</p> <p>7 BY MR. HUANG:</p> <p>8 Q Absolutely. Anyone other than the debtor.</p> <p>9 A Well, that could be a multitude of people.</p> <p>10 Q Okay, so anyone other than their husband or their</p> <p>11 attorney.</p> <p>12 A For what purposes?</p> <p>13 Q For any purpose. Let's just say --</p> <p>14 A There wouldn't be any purpose.</p> <p>15 Q Let's say for location purposes, are they</p> <p>16 permitted to?</p> <p>17 A Are we talking about Sung, or Hassan?</p> <p>18 Q General office policy, I think.</p> <p>19 A Are we talking about Sung or Hassan?</p> <p>20 Q Hassan because Mr. Sung they wouldn't have</p> <p>21 called --</p> <p>22 A Okay, on Hassan we called a number that we</p> <p>23 believed to be the defendant or the consumer's number.</p> <p>24 Q Okay.</p> <p>25 A Five times.</p>
<p style="text-align: right;">Page 47</p> <p>1 Q Yes. I think it was around the same time as well.</p> <p>2 A Okay.</p> <p>3 Q Prior to filing suit, there were no subsequent</p> <p>4 checks for bankruptcy prior to filing?</p> <p>5 A The account was placed March 14th. It was</p> <p>6 scrubbed for bankruptcy and notice was sent to the consumer</p> <p>7 on March 15th --</p> <p>8 Q Okay.</p> <p>9 A -- providing the consumer with the full validation</p> <p>10 required under the FDCPA, to dispute the debt, to inform us</p> <p>11 of any problems with the account. There was a letter mailed</p> <p>12 to the consumer on April 14, 2011, with a memo notice that</p> <p>13 we were involved in the case still.</p> <p>14 Q Okay.</p> <p>15 A Okay?</p> <p>16 Q Okay. But around September, there's nothing</p> <p>17 further sent out to him --</p> <p>18 A A further scrub of the account?</p> <p>19 Q Yes.</p> <p>20 A No.</p> <p>21 Q Okay. So you mentioned that you train the</p> <p>22 employees, the collection employees, oversee the training.</p> <p>23 A Correct. I did mention that, yes.</p> <p>24 Q Okay. So for employees, are the employees</p> <p>25 restricted from calling a third party, or are they only</p>	<p style="text-align: right;">Page 49</p> <p>1 Q Okay.</p> <p>2 A There were only those five phone calls to that</p> <p>3 specific number.</p> <p>4 Q Okay.</p> <p>5 A On the Sung case, there were two phone calls made</p> <p>6 to a number that was provided to us in the placement file.</p> <p>7 On March 22nd and March 23rd. And those were the only phone</p> <p>8 calls that were made. They were made to the consumer's</p> <p>9 phone number.</p> <p>10 Q Okay. I'm just asking for general. In your</p> <p>11 training of the employees, they're trained to follow the</p> <p>12 FDCPA? The FDCPA permits location information. Are they</p> <p>13 permitted at all to contact third parties?</p> <p>14 A They're permitted to do it. It's allowed under</p> <p>15 the FDCPA.</p> <p>16 Q And what is the phone number you have on file for</p> <p>17 Mr. Sung?</p> <p>18 A 410-889-7541.</p> <p>19 Q No contacts.</p> <p>20 A Right.</p> <p>21 Q Calls.</p> <p>22 A Correct. Correct.</p> <p>23 Q From the notes, could you tell who the individual</p> <p>24 collectors who made those calls were?</p> <p>25 A I did -- I do not have that information.</p>

<p style="text-align: right;">Page 50</p> <p>1 Q So it's not on the collection notes?</p> <p>2 A It is in the collection notes. I don't have the</p> <p>3 collection notes in front of me.</p> <p>4 Q Could you refer to, I think, the response to</p> <p>5 Interrogatories for Austin Sung? I think it's Exhibit 7, I</p> <p>6 think.</p> <p>7 A Okay, 7. Okay.</p> <p>8 Q Could you turn to page 6?</p> <p>9 A Okay.</p> <p>10 Q All right. So Interrogatory No. 6 asks for the</p> <p>11 disciplinary policies in case an individual collector does</p> <p>12 violate the statute. It says to the extent, describe policy</p> <p>13 exist and be provided. Are there policies in place,</p> <p>14 disciplinary policies, for violating the statute?</p> <p>15 A Yep. There are. I'm sorry, yes.</p> <p>16 Q Could you describe them?</p> <p>17 A The policy for maintaining adherence to the FDCPA</p> <p>18 is a, basically a three strikes and you're out.</p> <p>19 Q Three strikes? Okay.</p> <p>20 A Right. So there's a review process built into the</p> <p>21 policy so that if there are issues or concerns that we are</p> <p>22 alerted to we follow them and administer them, retrain to</p> <p>23 the issues and follow the procedure.</p> <p>24 Q Okay. So one strike is a violation of the</p> <p>25 statute, or is it something --</p>	<p style="text-align: right;">Page 52</p> <p>1 MR. LAWS: Oh. We will read and sign.</p> <p>2 (Whereupon, at 2:54 p.m., the deposition was</p> <p>3 concluded.)</p> <p>4</p> <p>5 * * * * *</p> <p>6 I have read the foregoing pages 3 through 52,</p> <p>7 which contain a correct transcription of my answers to the</p> <p>8 questions recorded therein, except as noted on the errata</p> <p>9 sheet, if any.</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14 <hr/>SHAWN KENNEDY</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 51</p> <p>1 A No, not necessarily.</p> <p>2 Q Okay. What does a strike consist of? Generally,</p> <p>3 what falls under a strike?</p> <p>4 A Well, we haven't had an issue with that policy</p> <p>5 for, that I can remember. So.</p> <p>6 Q Under the guidelines, I mean. Under your</p> <p>7 guidelines, what would be considered a strike, even if it</p> <p>8 hasn't happened in a while?</p> <p>9 THE WITNESS: Does that go under these cases?</p> <p>10 MR. LAWS: No. You can give a general answer.</p> <p>11 It's all right.</p> <p>12 THE WITNESS: It wouldn't even need to be</p> <p>13 something that's an FDCPA violation. It could be something</p> <p>14 that's construed as not comporting themselves professionally</p> <p>15 that is a concern. It would be everything within the FDCPA</p> <p>16 and more, to ensure that the treatment of the consumer is</p> <p>17 professional and appropriate.</p> <p>18 MR. HUANG: Okay.</p> <p>19 BY MR. HUANG: So. Okay, I think that's all. I</p> <p>20 have no more questions.</p> <p>21 THE WITNESS: Sorry?</p> <p>22 MR. HUANG: I said no more questions.</p> <p>23 THE WITNESS: Okay.</p> <p>24 MR. LAWS: We're done?</p> <p>25 MR. HUANG: Yes, we're done.</p>	<p style="text-align: right;">Page 53</p> <p>CERTIFICATE OF NOTARY REPORTER</p> <p>1</p> <p>2 I, Kathleen Lynn Petley, a Notary Reporter, in and for</p> <p>3 the State of Maryland, County of Baltimore, do hereby</p> <p>4 certify that the Witness whose testimony appears in the</p> <p>5 foregoing transcript was first duly sworn by me; that the</p> <p>6 testimony of said witness was taken by me and thereafter</p> <p>7 reduced to typewriting by me or under my direction; that</p> <p>8 said transcript is a true and accurate record of the</p> <p>9 testimony given to the best of my ability; that I am</p> <p>10 neither counsel for, related to nor employed by any of the</p> <p>11 parties to the action in which this deposition was taken;</p> <p>12 and further, that I am not a relative or employee of any</p> <p>13 attorney or counsel employed by the parties hereto, nor</p> <p>14 financially or otherwise interested in the outcome of this</p> <p>15 action.</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20 Kathleen Lynn Petley</p> <p>21 Notary Reporter</p> <p>22</p> <p>23 My Commission Expires March 8, 2015</p> <p>24</p> <p>25</p>

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